IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.30579 of 1997

Between:

1 K.M. Ikbal Ahmed S/o Azmathullah
H.No. 13-122, Daknipet,
Madanapalli, Chittoor District.
2 Mrs. K.M. Abssani W/o K.M. Ikbal
H.No. 13-122, Daknipet,
Madanapalli, Chittoor District.
3 Syed Shajahan S/o Shaik Mohd. Gouse
H.No. 5-93, Appa Rao Thota,
Madanapalli, Chittoor District.
4 S. Saleem S/o Shaik Mohd. Gouse
R/o Opp: Tarakarama Talkies, Madanapalli,
Chittoor District.
5 B. Aruna W/o Chandrasekhar
R/o H.No. 15-116-10, Ramgopal Naidu Street,
Madanapalli, Chittoor District.

..... PETITIONERS

AND

1 The District Collector,
Chittoor.
2 The Sub-Collector-cum-Land Acquisition Officer,
Madanapalli, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification issued by the 1st Respondent under Sec. 4(1) of the L.A. Act published in A.P. Gazette No. 65/97 dt. 26-8-1997, Sec.6 Declaration published in Eenadu daily news papers Tirupathi Edition dated 10-7-98 to the extent of the petitioners land i.e., 712 1/2 Sq. Yards, 742 1/3 sq. yards 769 1/3 sq. yards 576 1/2 sq. yards and 242.22 sq. yards comprised in Sy.No. 714 of Basinikonda Village, Madanapalli Mandal, Chittoor District is illegal, and arbitrary.

Counsel for the Petitioners: MR.R.RADHAKRISHNA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

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THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 30579 of 1997

Oral order:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition for the respondents.

Assailing the notification issued by respondent No.1 under Section 4(1) of the Land Acquisition Act, 1894 published in A.P. Gazette No. 65 of 1997, dated 26-8-1997, seeking to acquire the lands mentioned therein, including the lands of the petitioners, the present writ petition is filed.

When the matter was taken up for hearing, it is submitted by the learned counsel for the petitioners and admitted to by the learned Government Pleader for Land Acquisition for the respondents that a similar writ petition in W.P. No. 33862 of 1997, which challenged the notification in question, was allowed by this Court by judgment dated 24-6-1999, and in view of the same, this writ petition has to be allowed.

In the circumstances, following the judgment in W.P. No.33862 of 1997, dated 24-6-1999, and for the reasons mentioned therein, this writ petition is allowed and the impugned notification dated
26-8-1997 is quashed. This order, however, shall not preclude the respondents-State authorities to take de novo steps to acquire the same land in accordance with law. While communicating this order, the office shall communicate a copy of the judgment in
W.P. No. 33862 of 1997, dated 24-6-1999. No costs.

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N.V. RAMANA, J.

Date: 24th March, 2005.

KSR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice

on this Thursday, the Twenty Fourth Day of March, Two Thousand and Five.

ASSISTANT REGISTRAR

To

1 The District Collector,
Chittoor.
2 The Sub-Collector-cum-Land Acquisition Officer,
Madanapalli, Chittoor District.

3 Two CCs to GP for Land Acquisition, High Court of AP,

Hyderabad (OUT)

4 Two CD copies

*Form-NIC-OGS/WP{**SRAVAN**}*